



## 2009 CHAPTER 2

### **Unsatisfactory funding arrangements: power to provide financial assistance**

2.—(1) The powers conferred by this section are exercisable if the First Minister and deputy First Minister, acting jointly, determine—

- (a) that a situation exists which requires financial assistance to be provided to tackle poverty, social exclusion or patterns of deprivation based on objective need,
- (b) that arrangements to provide such financial assistance are not in place, or that such arrangements as are in place for that purpose are, or are likely to be, ineffective, inadequate or for any other reason unsatisfactory, and
- (c) that such assistance ought to be provided in accordance with a scheme or schemes under this section.

(2) The relevant department may, at any time within 6 months from the date of the determination under subsection (1), by regulations make a scheme for the provision of financial assistance for any purpose mentioned in subsection (1)(a).

(3) In relation to any regulations under subsection (2) providing for financial assistance of a particular kind “the relevant department” means—

- (a) the Northern Ireland department designated by the First Minister and deputy First Minister, acting jointly, in relation to the provision of financial assistance of that kind; or
- (b) if no such designation is made in relation to any such regulations, OFMDFM.

(4) Regulations made under this section by virtue of a designation under subsection (3)(a) require the approval of OFMDFM.

(5) No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

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**Changes to legislation:** *There are currently no known outstanding effects for the Financial Assistance Act (Northern Ireland) 2009, Section 2. (See end of Document for details)*

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(6) If the scheme contained in regulations under this section imposes functions on any public body other than the department making the regulations, that department must consult the public body concerned before making the regulations.

(7) A determination under subsection (1) and a designation under subsection (3)(a) must be in writing and may be contained in the same instrument.

**Changes to legislation:**

There are currently no known outstanding effects for the Financial Assistance Act (Northern Ireland) 2009, Section 2.